



## ADVISORY COMMITTEE ON AGING AND ADULTS WITH PHYSICAL DISABILITIES AGENDA

### ADVISORY COMMITTEE ON AGING

### AND

### ADULTS WITH PHYSICAL DISABILITIES

### FOR SUSSEX COUNTY

### Minutes of Meeting

**Monday, November 19, 2012**

A meeting of the Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County was held on Monday, November 19, 2012, at 10:00 a.m. at the Sussex County West Administrative Complex, 22215 North DuPont Boulevard, Georgetown, Delaware. The following members were present:

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|-------------------|----------------------|
| 1. Sally Beaumont | 4. Scott Phillips    |
| 2. Jamie Magee    | 5. Francine Shockley |
| 3. Penny Orndorff | 6. Anna Short        |

Also in attendance were Emily A. Farley, Esquire, Elder Law Project Director, Community Legal Aid Society, Inc.; Patsy Bennett Brown, Amputee Support Group of Delaware; Cindy Mitchell, CHEER; Borchia McCray, CHEER Intern; Linda Connors, Delaware Division of Substance Abuse and Mental Health; Melissa Enck, Adams State Service Center; Gail Weinberg, Home & Community Based Ombudsman, Delaware Health and Social Services; Jeanné Goldy-Sanitate, Commander, Delaware Chapter 6, Disabled American Veterans; Barbara Sullivan, Blackwater Village Association, Inc.; Mathilda Laschenski, Milton; Robert Chambers, Lewes; and Garnet Fowler, Dagsboro.

### Call to Order

Sally Beaumont, Chair, called the meeting to order and welcomed everyone on behalf of the Advisory Committee. For those who may not know, Ms. Beaumont stated that she is the Chairperson of the Advisory Committee on Aging and Adults with Physical

Disabilities for Sussex County which is comprised of 11 members appointed from the five councilmanic districts in the County. Meetings take place bimonthly at the County's West Administrative Complex in Georgetown and various other venues throughout the County.

### **Special Recognition**

Ms. Beaumont took the opportunity to especially thank Mr. Phillips for his work over the past few weeks in preparing the letter and on-line survey to be distributed to interested persons in Sussex County in reference to joining a new coalition of advocacy and leadership being formed in the County. The key focus of the coalition will be to "bring together providers, advocates, seniors and consumers with disabilities to problem-solve, pool resources and exchange ideas so as to maximize its ability to help others." Once formed, the coalition will report to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities.

Ms. Beaumont also noted that the "Happy Birthday" balloon at the table is in celebration of Mr. Phillips' birthday, and everyone joined in wishing him a Happy Birthday!

### **Approval of Minutes**

A Motion was made by Ms. Short, seconded by Ms. Shockley, to approve the special meeting minutes of June 20, regular meeting minutes of September 17, and special meeting minutes of October 15, 2012, as distributed. Motion Adopted by Voice Vote.

### **Correspondence**

E-MAIL FROM FRAN SMITH, MEMBER, ADVISORY COMMITTEE ON AGING AND ADULTS WITH PHYSICAL DISABILITIES FOR SUSSEX COUNTY  
RE: Advising that due to a staff shortage at the Bridgeville Senior Center, she would be delivering Meals-on-Wheels and therefore unable to attend the meeting.

Ms. Beaumont stated that Ruth Beideman also notified her that she would not be in attendance due to meetings scheduled at the Milford Senior Center regarding Medicare Part D enrollment changes, the deadline for which is December 7, 2012.

### **Guest Speaker**

Ms. Short introduced Emily A. Farley, Esquire, Elder Law Project Director,

Community Legal Aid Society, Inc., who was invited to speak regarding *“the programs of the Community Legal Aid Society and how they help elders and persons with disabilities in the community.”*

Ms. Farley provided the Committee with a brief background of her experience since joining Community Legal Aid, which has included work with the Poverty Program, Disability Program, and now serving as Elder Law Project Director, a position which covers the entire State of Delaware, with her main office being located in Dover.

Community Legal Aid is a nonprofit agency providing free legal services to three distinct populations: 1.) the impoverished, 2.) the elderly (aged 60+), and 3.) the disabled community. In certain instances, clients may meet all three eligibility requirements, and in that case clients are sometimes moved around to assure that the case handler assisting them is considered an expert in that particular area. Even though a potential client may call the Elder Law Program for assistance, it does not necessarily mean that Ms. Farley will handle the call—it will be referred to the case handler most knowledgeable in that field. The way the process works is when a call comes in, pertinent intake information is requested such as name, address, date of birth, social security number, income, brief synopsis of the problem, etc., and this information is used to categorize the call. All information is kept confidential and not divulged for any other purpose. The client is then referred to the appropriate paralegal. Referring to herself as the “stopgap,” Ms. Farley stated that if someone does not fit into any of the criteria other than age, the client will be directed to her and she will determine if it is something Legal Aid can help with.

Ms. Farley explained that as far as the Elder Law Program is concerned, the issues she is currently focusing on include power of attorney authorizations and advanced healthcare directives. Those two documents are very important, so important that everyone should have one regardless of age; however, the Elder Law Program is only able to assist persons 60 years of age or older in the process. Ms. Farley advised that there were changes to the power of attorney laws in 2010, resulting in new criteria. Power of attorney documents executed prior to 2010 should generally be accepted, but banks, mortgage companies, and financial institutions are scrutinizing those documents due to the explosion of financial exploitation. Executing a power of attorney or advanced healthcare directive is a two-meeting process—the first meeting determines what the individual would like included in the document, and the second meeting is held to review for accuracy the document which has been drafted. If the document is correct, it can be executed and taken with the client the same day; if not, revisions must be made. The problem is that sometimes in between the first and second meeting, there is a downslide in the person’s capacity and they are deemed unable to execute the

document(s). If someone is in the middle of what is known as the “sundowning” effect and not coming across very well, documents cannot be executed. But as long as the client comes in when they are alert and “with it,” documents can be signed. If there is any question as to a person’s competency, medical experts are consulted.

In the event a person is not eligible to execute a power of attorney or advanced healthcare directive due to capacity issues, the next level of referral is the Court of Chancery to have a guardianship appointed. The guardianship process is a lot more time-consuming and expensive, and Community Legal Aid cannot assist with that process. Once a guardian is appointed through the Court of Chancery, that person is required to account to the Court every year, requiring excellent financial records to keep all of the assets separate, assuring no commingling of funds, and that all monies are being used for the “ward.” The guardianship is a very powerful document that does not necessarily have to take affect after a person is incapacitated; it can also be used, for example, by a relative to handle a person’s affairs while they are still competent.

Ms. Farley noted that power of attorney documents are also important in that they can be drawn up in one of two ways: (1) to become effective immediately, or (2) when a person is no longer able to make their own decisions. Again, the final decision regarding a person’s competency lies with the medical experts.

A question was raised from the audience as to what happens with the power of attorney once a person passes away. Ms. Farley advised that the power of attorney is null and void at that point. The affairs are then moved into probate through the Court of Chancery or by opening an estate through the Register of Wills to have the final affairs taken care of.

Strongly recommending that everyone have a will, Ms. Farley stated that low-income seniors may engage the help of Delaware Volunteer Legal Services who tries to pair perspective clients with a pro-bono attorney for that purpose. It was noted that the competency issue is a factor in drawing up a will as well. Ms. Magee cautioned that if a will provides for funds to go directly to the beneficiary rather than a funeral home to pay for burial expenses, the beneficiary is under no obligation to pay the cost of the funeral; therefore, arranging for a pre-paid burial may be a better option for many seniors.

Another issue which Ms. Farley is attempting to get the word out on is the increase in the number of door-to-door salesmen in the State of Delaware. A new law went into effect January 1, 2012, requiring that anyone soliciting door-to-door must be licensed

by the State of Delaware. This license is separate and in addition to the business license required for all businesses issued by the State Division of Revenue. Requesting that salespersons show credentials is a good idea because these people are very good talkers and if they do not have credentials, it provides the customer with a way out. The office to call to verify that a door-to-door salesperson is legitimate in Delaware is the Delaware Office of Licensing.

By way of information, Ms. Farley also advised that a lot of people may not realize that when they enter into a contract through a door-to-door salesperson, they have three days to cancel the contract. If a customer has buyers' remorse the next day, they should send something in writing to the company stating they are rescinding the contract. The importance of customers getting a written contract was emphasized as well, because it is very difficult to establish an oral contract.

Although the majority of cases being handled by the Elder Law Program right now involve power of attorney documents, advanced healthcare directives, and contractor fraud, they do also handle financial exploitation cases whereby a family member may have a sense of entitlement and take advantage of an elderly person, rendering them almost unable to care for themselves financially. Many of these cases are referred by the Delaware Division of Adult Protective Services, who like many other agencies is severely understaffed. The Disabilities Program through Community Legal Aid assists with issues where there is a legal problem related directly to a disability, the Poverty Program in Georgetown helps with protective orders and preventing landlord-tenant evictions, while the Fair Housing Program helps with housing discrimination cases.

One thing Ms. Magee wanted to warn everyone about is the fact that the Better Business Bureau does not do any credential checking—a bad mark is only given if a business has had a complaint against them. She has seen companies with a top Better Business Bureau rating that have declared bankruptcy under one name and opened another business right away, so it is important not to rely solely on the Better Business Bureau for information.

A question was raised as to what legal recourse the elderly living in nursing homes with an issue have. It was noted that nursing home residents are protected by the Division of Long-Term Care Resident Protection, while elderly persons in the community have recourse through Adult Protective Services, both agencies under the auspices of the Delaware Division of Services for Aging and Adults with Physical Disabilities.

In response to a question regarding funding, Ms. Farley stated Community Legal Aid

receives their funding from a whole host of agencies/resources including United Way, Delaware Division of Services for Aging and Adults with Physical Disabilities, private donations, Combined Campaign for Justice, Delaware Volunteer Legal Services Corporation, victims of crime, Office of Violence Against Women, to mention just a few.

Ms. Farley provided copies of the “Legal Handbook For Older Delawareans” as well as two pamphlets entitled “Elder Law Program” and “Protecting the Rights of Delawareans,” respectively, for the Committee’s information and use. The address and telephone number for each of the three Elder Law Program office locations in Delaware was included, along with their website address, [www.declasi.org](http://www.declasi.org).

On behalf of the Advisory Committee, Ms. Beaumont thanked Ms. Farley for taking time out of her busy schedule to speak to the Advisory Committee regarding the programs and services available through Community Legal Aid’s Elder Law Program.

### **Public Comment**

Ms. Beaumont deviated from the agenda to allow for public comment prior to discussing “Old Business.” Members of the audience who wished to introduce themselves and the agencies they represent were recognized as follows:

- “Jersey Jean” (Jeanné Goldy-Sanitate of Rehoboth Beach) advised that she has been appointed by the Governor to the Delaware First Oversight Commission to represent veterans with mental health issues and to help them get jobs. To ensure that people with physical disabilities have a fair chance in an integrated setting, she is also known for working on behalf of those with physical disabilities in promoting accessible parking. Ms. Sanitate reported there is a new law in Delaware that for every six parking spots, an access aisle of at least 96 inches is required. Legislation to have these aisles located on the passenger side for easier access is another goal she would like to achieve.
- Gail Weinberg, Home and Community Based Ombudsman for the State of Delaware, introduced herself and stated that she covers the entire State of Delaware assisting people with various issues to help them maintain an improved quality of life in the community, such as medical equipment issues, accessing home care services and/or providers, helping those in need of a handicapped ramp, etc. Ms. Weinberg advised that she currently has a couple of clients in Sussex County who are elderly and on a very limited income, each living in a mobile home park. The problem is that their sewer systems were redone recently, and they both have very large sewer bills which they are unable to pay. The problem is compounded

by the fact that they owe a considerable amount in back taxes, which prevents them from being eligible for any kind of assistance from the County. Ms. Weinberg is looking to see what can be done to help with these kinds of problems for people who are on Social Security and/or Medicaid and have no chance of increasing their income to pay their taxes and/or sewer bills, but want to remain in their home. It was suggested that Ms. Weinberg contact Amanda Bennett, Director of the Sussex County Treasury Division, at 855-7760 to see what options may be available to these individuals.

- Cindy Mitchell, Care Manager for CHEER, announced they are in the process of opening an Adult Day Care, hopefully by February 1, 2013, at the CHEER Community Center on Sand Hill Road in Georgetown. It will consist of strong dementia programming and activities, especially for men. Fees will be charged on a sliding scale, but they will attempt to get sponsorships and work with veterans and Medicaid recipients to make it viable for everyone. Anyone with additional questions can reach Ms. Mitchell at 856-5187.
- Linda Connors, Delaware Division of Substance Abuse and Mental Health, reported that she recently attended a very good program at the Nanticoke Senior Center entitled “Aging Well – Prepare to Avoid Panic.” Several agencies and law offices were represented, a lot of good information provided, and it was very well attended.

Ms. Connors also pointed out that there were hardships and difficulties reported with voting in many of the polling places throughout Delaware on Election Day. Complaints were registered regarding long lines, no special lines and nowhere for people using canes or walkers to sit while waiting to vote, entrances were inconvenient, confusion with locations having more than one polling place, workers not knowing how to lower voting machines, and polling places in general just not set up well to accommodate those in wheelchairs. In addition to the League of Women Voters looking into these concerns, Ms. Farley advised that Community Legal Aid’s protection and advocacy group for the disabled was out on Election Day noting problems and taking pictures at all of the polling places, and is compiling a list of issues that need to be addressed.

### **Old Business**

Ms. Beaumont provided an update on the October 15 special meeting regarding the Committee’s Strategic Plan for 2011-2012. Basically, the Strategic Plan was reviewed and they discussed rescheduling the community meetings, as well as the coalition letter

and survey prepared by Mr. Phillips. The survey is to be sent out to everyone on the resource list, with the request that paper copies be returned within 10 days. It was agreed that a coalition would be formed, separate from the Committee, which will conduct the community survey in two ways: (1) a paper survey which will include an introductory letter and the survey, and (2) an on-line survey to be sent by e-mail. The survey is very simple and only takes approximately five minutes to fill out. The on-line answers are automatically collated, but a member of the Advisory Committee will need to be assigned to tally the paper surveys as they are received. Mr. Phillips noted that an additional feature of the on-line survey is that a graph of the responses on each question can actually be produced as well.

A Motion was made by Ms. Short, seconded by Ms. Shockley, to approve the letter and survey prepared by Mr. Phillips (copies attached) to be sent out by the coalition via paper copy and/or e-mail to those persons/agencies on the Advisory Committee's resource list. Motion Adopted by Voice Vote (**but subsequently overturned – see discussion below regarding postponing the conference until the fall of 2013**).

A Motion was made by Ms. Orndorff, seconded by Ms. Shockley, that the Advisory Committee plan on holding its first conference on Wednesday, May 15, 2013, at the CHEER Community Center, 20520 Sand Hill Road, Georgetown, Delaware. Motion Adopted by Voice Vote.

Following the adoption of the above motion, reservations were expressed in regard to rushing the conference through just to get it done. It was felt that the conference has to be very special in getting the message out to the public that the Advisory Committee is working, it is growing, and everyone is invited to join in, unite, and have their voices heard. It has to be an event announcing that seniors of all abilities are here and active in Sussex, they are vocal, they have concerns, and they want to age in place.

Ms. Magee questioned if the Committee is talking about a conference or more of a networking event with different agencies. Ms. Beaumont responded by stating that in addition to a large turnover in Committee members recently, meetings have still not been held in each of the five councilmanic districts to discuss and corroborate the unique needs of each community, so maybe the May 15 date should be reconsidered. Taking into account the fact that the proper infrastructure is not expected to be in place by May 15, it was the consensus of the Committee to postpone the conference until the fall of 2013. Ms. Beaumont reported that she has contacted County Administrator Todd Lawson in regard to the County providing funding for this event and is awaiting word back at this point.



### **Additional Business**

- Since the previous two meetings of the Advisory Committee have taken place at the County's West Administrative Complex in Georgetown, it was agreed that the January meeting will be held at Heritage Shores in Bridgeville, a 55+ community which has offered their facility at no charge. After much discussion as to a speaker for the January meeting, it was agreed that Cheyenne Luzader of the Integrative Health Department at Beebe Medical Center be invited to speak.
- Linda Connors advised that a new Delaware public radio station is starting up, WDDE 91.1, and they are looking for community stories to share—perhaps another avenue for getting the word out about the Advisory Committee.

### **Next Meeting**

It was agreed that the next meeting of the Advisory Committee will be held on Monday, January 28, 2013, at 10:00 a.m. at Heritage Shores in Bridgeville if the facility is available.

***NOTE: It was not possible to schedule the January meeting at Heritage Shores; therefore, the meeting will take place at the Sussex County West Administrative Complex, 22215 North DuPont Boulevard, Georgetown, Delaware, at 10:00 a. m.***

### **Adjournment**

A Motion was made by Mr. Phillips, seconded by Ms. Orndorff, to adjourn at 12:13 p.m. Motion Adopted by Voice Vote.

Respectfully submitted,

Anna Short, Secretary  
Advisory Committee on Aging and Adults  
with Physical Disabilities for Sussex County

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